"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 356]   रायपुर, सोमवार, दिनांक 19 सितम्बर 2016— भाद्रपद 28, शक 1938

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 19 सितम्बर 2016

क्रमांक 8839/डी. 220/21-अ/प्रा./छ.ग./16.— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक F. No. 1 (10)/ 2016-L.I, F. No. 1 (49)/2014-L.I, F. No. 1 (80)/2009-L.I, F. No. 1 (49)/2007-L.I एवं F. No. 1 (93)/2014-L.I, नई दिल्ली, दिनांक 27-07 -2016 के अनुसरण में दि इलेक्शन लॉज (अमेंडमेंट) एक्ट, 2016 (क्र. 10 सन् 2016) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
यू. के. काटिया, अतिरिक्त सचिव.

THE ELECTION LAWS (AMENDMENT) ACT, 2016

AN
ACT

further to amend the Representation of the People Act, 1950 *and the Delimitation Act,* 2002.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Election Laws (Amendment) Act, 2016.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENT TO THE REPRESENTATION OF THE PEOPLE ACT, 1950

Amendment of section 9.

2. In section 9 of the Representation of the People Act, 1950, in sub-section (*1*), after clause (*b*), the following clause shall be inserted, namely:— 43 of 1950.

"(*c*) make such amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 as appear to it to be necessary or expedient for bringing the Order up-to-date by including therein and excluding therefrom the relevant areas, consequent upon the exchange of one hundred and eleven enclaves of India and fifty-one enclaves of Bangladesh with effect from 31st July, 2015, in pursuance of the Constitution (One Hundredth Amendment) Act, 2015.".

CHAPTER III

AMENDMENT TO THE DELIMITATION ACT, 2002

Amendment of section 11.

3. In section 11 of the Delimitation Act, 2002, in sub-section (*1*), in clause (*b*), the following proviso shall be inserted, namely:— 33 of 2002.

"Provided that the Election Commission may make such amendments, as appear to it to be necessary or expedient, for bringing the said orders up-to-date by including therein and excluding therefrom the relevant areas, consequent upon the exchange of one hundred and eleven enclaves of India and fifty-one enclaves of Bangladesh with effect from 31st July, 2015, in pursuance of the Constitution (One Hundredth Amendment) Act, 2015.".

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2016.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 356-A]　　　रायपुर, सोमवार, दिनांक 19 सितम्बर 2016— भाद्रपद 28, शक 1938

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 19 सितम्बर 2016

क्रमांक 8839/डी. 220/21-अ/प्रा./छ.ग./16.— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक F. No. 1 (10)/2016-L.I, F. No. 1 (49)/2014-L.I, F. No. 1 (80)/2009-L.I, F. No. 1 (49)/2007-L.I एवं F. No. 1 (93)/2014-L.I, नई दिल्ली, दिनांक 27-07 -2016 के अनुसरण में दि ब्यूरो ऑफ इंडियन स्टैण्डर्स एक्ट, 2016 (क्र. 11 सन् 2016) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
यू. के. काटिया, अतिरिक्त सचिव.

THE BUREAU OF INDIAN STANDARDS ACT, 2016

ARRANGEMENT OF SECTIONS

Section

CHAPTER I
PRELIMINARY

CHAPTER II
BUREAU OF INDIAN STANDARDS

CHAPTER III

INDIAN STANDARDS, CERTIFICATION AND LICENCE

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

CHAPTER V

MISCELLANEOUS

THE BUREAU OF INDIAN STANDARDS ACT, 2016

AN

ACT

to provide for the establishment of a national standards body for the harmonious development of the activities of standardisation, conformity assessment and quality assurance of goods, articles, processes, systems and services and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Bureau of Indian Standards Act, 2016.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*1*) "article" means any substance, artificial or natural, or partly artificial or partly natural, whether raw or partly or wholly processed or manufactured or hand-made within India or imported into India;

(*2*) "assaying and hallmarking centre" means a testing and marking centre recognised by the Bureau to determine the purity of precious metal articles and to apply hallmark on the precious metal articles in a manner as may be determined by regulations;

(*3*) "Bureau" means the Bureau of Indian Standards established under section 3;

(*4*) "certification officer" means a certification officer appointed under sub-section (*1*) of section 27;

(*5*) "certified body" means a holder of certificate of conformity or licence under sub-section (*2*) of section 13 in relation to any goods, article, process, system or service which conforms to a standard;

(*6*) "certified jeweller" means a jeweller who has been granted a certificate by the Bureau to get manufactured for sale or to sell any precious metal article after getting the same hallmarked in a manner as may be determined by regulations;

(*7*) "conformity assessment" means demonstration that requirements as may be specified relating to an article, process, system, service, person or body are fulfilled;

(*8*) "conformity assessment scheme" means a scheme relating to such goods, article, process, system or service as may be notified by the Bureau under section 12;

(*9*) "consumer" means a person as defined in the Consumer Protection Act, 1986; 68 of 1986.

(*10*) "covering" includes any stopper, cask, bottle, vessel, box, crate, cover, capsule, case, frame, wrapper, bag, sack, pouch or other container;

(*11*) "Director General" means the Director General appointed under sub-section (*1*) of section 7;

(*12*) "Executive Committee" means the Executive Committee constituted under sub-section (*1*) of section 4;

(*13*) "fund" means the fund constituted under section 20;

(*14*) "goods" includes all kinds of movable properties under the Sale of Goods Act, 1930, other than actionable claims, money, stocks and shares; 3 of 1930.

(*15*) "Governing Council" means a Governing Council constituted under sub-section (*3*) of section 3;

(*16*) "Hallmark" means in relation to precious metal article, the Standard Mark, which indicates the proportionate content of precious metal in that article as per the relevant Indian Standard;

(*17*) "Indian Standard" means the standard including any tentative or provisional standard established and published by the Bureau, in relation to any goods, article, process, system or service, indicative of the quality and specification of such goods, article, process, system or service and includes—

(*i*) any standard adopted by the Bureau under sub-section (*2*) of section 10; and

(*ii*) any standard established and published, or recognised, by the Bureau of Indian Standards established under the Bureau of Indian Standard Act, 1986, which was in force immediately before the commencement of this Act; 63 of 1986.

(*18*) "Indian Standards Institution" means the Indian Standards Institution registered under the Societies Registration Act, 1860; 21 of 1860.

(*19*) "jeweller" means a person engaged in the business to get manufactured precious metal article for sale or to sell precious metal articles;

(*20*) "licence" means a licence granted under section 13 to use a specified Standard Mark in relation to any goods, article, process, system or service, which conforms to a standard;

(*21*) "manufacturer" means a person responsible for designing and manufacturing any goods or article;

(*22*) "mark" includes a device, brand, heading, label, ticket, pictorial representation, name, signature, word, letter or numeral or any combination thereof;

(*23*) "member" means a member of the Governing Council, Executive Committee or any of the Advisory Committee;

(*24*) "notification" means a notification published in the Official Gazette and the expression "notify" or "notified" shall be construed accordingly;

(*25*) "person" means a manufacturer, an importer, a distributor, retailer, seller or lessor of goods or article or provider of service or any other person who uses or applies his name or trade mark or any other distinctive mark on to goods or article or while providing a service, for any consideration or gives goods or article or provides service as prize or gift for commercial purposes including their representative and any person who is engaged in such activities, where the manufacturer, importer, distributor, retailer, seller, lessor or provider of service cannot be identified;

(*26*) "precious metal" means gold, silver, platinum and palladium;

(*27*) "precious metal article" means any article made entirely or in part from precious metals or their alloys;

(*28*) "prescribed" means prescribed by rules made under this Act;

(*29*) "process" means a set of inter-related or interacting activities, which transforms inputs into outputs;

(*30*) "recognised testing and marking centre" means a testing and marking centre recognised by the Bureau under sub-section (*5*) of section 14;

(*31*) "recognised testing laboratory" means a testing laboratory recognised by the Bureau under sub-section (*4*) of section 13;

(*32*) "registering authority" means any authority competent under any law for the time being in force to register any company, firm or other body of persons, or any trade mark or design, or to grant a patent;

(*33*) "regulations" means regulations made by the Bureau under this Act;

(*34*) "sale" means to sell, distribute, hire, lease or exchange of goods, article, process, system or service for any consideration or for commercial purposes;

(*35*) "seller" means a person who is engaged in the sale of any goods, article, process, system or service;

(*36*) "service" means the result generated by activities at the interface between an organisation and a customer and by organisation's internal activities, to meet customer requirements;

(*37*) "specification" means a description of goods, article, process, system or service as far as practicable by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, material, mode of manufacture or processing, consistency and reliability of service delivery or other characteristics to distinguish it from any other goods, article, process, system or service;

(*38*) "specified" means specified by the regulations;

(*39*) "standards" means documented agreements containing technical specifications or other precise criteria to be used consistently as rules, guidelines, or definitions of characteristics, to ensure that goods, articles, processes, systems and services are fit for their purpose;

(*40*) "Standard Mark" means the mark specified by the Bureau, and includes Hallmark, to represent conformity of goods, article, process, system or service to a particular Indian Standard or conformity to a standard, the mark of which has been established, adopted or recognised by the Bureau and is marked on the article or goods as a Standard Mark or on its covering or label attached to such goods or article so marked;

(*41*) "system" means a set of inter-related or interacting elements;

(*42*) "testing laboratory" means a body set up for the purpose of testing of goods or article against a set of requirements and report its findings;

(*43*) "trade mark" means a mark used or proposed to be used in relation to goods or article or process or system or service for the purpose of indicating, or so as to indicate, a connection in the course of trade of goods, article, process, system or service, as the case may be, and some person having the right, either as proprietor or as registered user, to use the mark, whether with or without any indication of the identity of that person.

CHAPTER II

BUREAU OF INDIAN STANDARDS

Establishment of Bureau and Constitution of Governing Council.

3. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established a national body for the purposes of this Act, a Bureau, to be called the Bureau of Indian Standards.

(*2*) The Bureau shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(*3*) The members of the Governing Council shall constitute the Bureau and general superintendence, direction and management of the affairs of the Bureau shall vest in the Governing Council, which shall consist of the following members, namely:—

(*a*) the Minister in-charge of the Ministry or Department of the Central Government having administrative control of the Bureau who shall be *ex officio* President of the Bureau;

(*b*) the Minister of State or a Deputy Minister, if any, in the Ministry or Department of the Central Government having administrative control of the Bureau who shall be *ex officio* Vice-President of the Bureau, and where there is no such Minister of State or Deputy Minister, such person as may be nominated by the Central Government to be the Vice-President of the Bureau;

(*c*) the Secretary to the Government of India of the Ministry or Department of the Central Government having administrative control of the Bureau, *ex officio*;

(*d*) the Director General of the Bureau, *ex officio*;

(*e*) such number of other persons to represent the Government, industry, scientific and research institutions, consumers and other interests, as may be prescribed, to be appointed by the Central Government.

(*4*) The term of office of the members referred to in clause (*e*) of sub-section (*3*) and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by the members, shall be such as may be prescribed:

Provided that a member, other than an *ex officio* member of the Bureau of Indian Standards constituted under the Bureau of Indian Standards Act, 1986, shall, after the commencement of this Act, continue to hold such office as member till the completion of his term.

63 of 1986

(*5*) The Governing Council may associate with itself, in such manner and for such purposes as may be prescribed, any person whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Governing Council relevant to the purposes for which he has been associated but shall not have the right to vote.

(*6*) The Governing Council may, by general or special order in writing, delegate to any member, the Director General or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act except the powers under section 37 as it may deem necessary.

Executive Committee of Bureau.

4. (*1*) The Governing Council may, with the prior approval of the Central Government, by notification in the Official Gazette, constitute an Executive Committee which shall consist of the following members, namely:—

(*a*) Director General of the Bureau, who shall be its *ex officio* Chairman; and

(*b*) such number of members, as may be prescribed.

(*2*) The Executive Committee constituted under sub-section (*1*) shall perform, exercise and discharge such functions, powers and duties of the Bureau, as may be delegated to it by the Governing Council.

Advisory Committees of Bureau.

5. (*1*) Subject to any regulations made in this behalf, the Governing Council may, from time to time and as and when it is considered necessary, constitute the following Advisory Committees for the efficient discharge of the functions of the Bureau, namely: —

(*a*) Finance Advisory Committee;

(*b*) Conformity Assessment Advisory Committee;

(*c*) Standards Advisory Committee;

(*d*) Testing and Calibration Advisory Committee; and

(*e*) such number of other committees as may be specified by regulations.

(*2*) Each Advisory Committee shall consist of a Chairman and such other members as may be specified by regulations.

Vacancies, etc., not to invalidate act or proceedings.

6. No act or proceedings of the Governing Council, under section 3 shall be invalid merely by reason of—

(*a*) any vacancy in, or any defect in the constitution of the Governing Council; or

(*b*) any defect in the appointment of a person acting as a member of the Governing Council; or

(*c*) any irregularity in the procedure of the Governing Council not affecting the merits of the case.

Director General.

7. (*1*) The Central Government shall appoint a Director General of the Bureau.

(*2*) The terms and conditions of service of the Director General of the Bureau shall be such as may be prescribed.

(*3*) Subject to the general superintendence and control of the Governing Council, the Director General of the Bureau shall be the Chief Executive Authority of the Bureau.

(*4*) The Director General of the Bureau shall exercise and discharge such of the powers and duties of the Bureau as may be specified by regulations.

(*5*) The Director General may, by general or special order in writing, delegate to any officer of the Bureau subject to such conditions, if any, as may be specified in the order, such of his powers and functions as are assigned to him under the regulations or are delegated to him by the Governing Council, as he may deem necessary.

Officers and employees of Bureau

8. (*1*) The Bureau may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

(*2*) The terms and conditions of service of officers and employees of the Bureau appointed under sub-section (*1*) shall be such as may be specified by regulations.

Powers and functions of Bureau.

9. (*1*) The powers and duties as may be assigned to the Bureau under this Act shall be exercised and performed by the Governing Council and, in particular, such powers may include the power to—

(*a*) establish branches, offices or agencies in India or outside;

(*b*) recognise, on reciprocal basis or otherwise, with the prior approval of the Central Government, the mark of any international body or institution, on such terms and conditions as may be mutually agreed upon by the Bureau in relation to any goods, article, process, system or service at par with the Standard Mark for such goods, article, process, system or service;

(*c*) seek recognition of the Bureau and of the Indian Standards outside India on such terms and conditions as may be mutually agreed upon by the Bureau with any corresponding institution or organisation in any country or with any international organisation;

(*d*) enter into and search places, premises or vehicles, and inspect and seize goods or articles and documents to enforce the provisions of this Act;

(*e*) provide services to manufacturers and consumers of goods or articles or processes for compliances of standards on such terms and conditions as may be mutually agreed upon;

(*f*) provide training services in relation to quality management, standards, conformity assessment, laboratory testing and calibration, and any other related areas;

(*g*) publish Indian Standards and sell such publications and publications of international bodies;

(*h*) authorise agencies in India or outside India for carrying out any or all activities of the Bureau and such other purposes as may be necessary on such terms and conditions as it deems fit;

(*i*) obtain membership in regional, international and foreign bodies having objects similar to that of the Bureau and participate in international standards setting process;

(*j*) undertake testing of samples for purposes other than for conformity assessment; and

(*k*) undertake activities relating to legal metrology.

(*2*) The Bureau shall take all necessary steps for promotion, monitoring and management of the quality of goods, articles, processes, systems and services, as may be necessary, to protect the interests of consumers and various other stake holders which may include the following namely:—

(*a*) carrying out market surveillance or survey of any goods, article, process, system or service to monitor their quality and publish findings of such surveillance or surveys;

(*b*) promotion of quality in connection with any goods, article, process, system or service by creating awareness among the consumers and the industry and educate them about quality and standards in connection with any goods, article, process, system and service;

(*c*) promotion of safety in connection with any goods, article, process, system or service;

(*d*) identification of any goods, articles, process, system or service for which there is a need to establish a new Indian Standard, or to revise an existing Indian Standard;

(*e*) promoting the use of Indian Standards;

(*f*) recognising or accrediting any institution in India or outside which is engaged in conformity certification and inspection of any goods, article, process, system or service or of testing laboratories;

(*g*) coordination and promotion of activities of any association of manufacturers or consumers or any other body in relation to improvement in the quality or in the implementation of any quality assurance activities in relation to any goods, article, process, system or service; and

(*h*) such other functions as may be necessary for promotion, monitoring and management of the quality of goods, articles, processes, systems and services and to protect the interests of consumers and other stake holders.

(*3*) The Bureau shall perform its functions under this section through the Governing Council in accordance with the direction and subject to such rules as may be made by the Central Government.

CHAPTER III

INDIAN STANDARDS, CERTIFICATION AND LICENCE

Indian Standards.

10. (*1*) The standards established by the Bureau shall be the Indian Standards.

(*2*) The Bureau may—

(*a*) establish, publish, review and promote the Indian Standard, in relation to any goods, article, process, system or service in such manner as may be prescribed;

(*b*) adopt as Indian Standard, any standard, established by any other Institution in India or elsewhere, in relation to any goods, article, process, system or service in such manner as may be prescribed;

(*c*) recognise or accredit any institution in India or outside which is engaged in standardisation;

(*d*) undertake, support and promote such research as may be necessary for formulation of Indian Standards.

(*3*) The Bureau, for the purpose of this section, shall constitute, as and when considered necessary, such number of technical committees of experts for the formulation of standards in respect of goods, articles, processes, systems or services, as may be necessary.

(*4*) The Indian Standard shall be notified and remain valid till withdrawn by the Bureau.

(*5*) Notwithstanding anything contained in any other law, the copyright in an Indian Standard or any other publication of the Bureau shall vest in the Bureau.

Prohibition to publish, reproduce or record without authorisation by Bureau.

11. (*1*) No individual shall, without the authorisation of the Bureau, in any manner or form, publish, reproduce or record any Indian Standard or part thereof, or any other publication of the Bureau.

(*2*) No person shall issue a document that creates, or may create the impression that it is or contains an Indian Standard, as contemplated in this Act:

Provided that nothing in this sub-section shall prevent any individual from making a copy of Indian Standard for his personal use.

Conformity Assessment scheme.

12. (*1*) The Bureau may notify a specific or different conformity assessment scheme for any goods, article, process, system or service or for a group of goods, articles, processes, systems or services, as the case may be, with respect to any Indian Standard or any other standard in a manner as may be specified by regulations.

(*2*) The Bureau may establish a Standard Mark in relation to each of its conformity assessment schemes, which shall be of such design and contain such particulars as may be specified by regulations to represent a particular standard.

Grant of licence or certificate of conformity.

13. (*1*) A person may apply for grant of licence or certificate of conformity, as the case may be, if the goods, article, process, system or service conforms to an Indian Standard.

(*2*) Where any goods, article, process, system or service conforms to a standard, the Director General may, by an order, grant—

(*a*) a certificate of conformity in a manner as may be specified by regulations; or

(*b*) a licence to use or apply a Standard Mark in a manner as may be specified by regulations,

subject to such conditions and on payment of such fees, including late fee or fine, before or during the operation of the certificate of conformity or licence, and as determined by regulations.

(*3*) While granting a certificate of conformity or licence to use a Standard Mark, the Bureau may, by order, specify the marking and labelling requirements that shall necessarily be affixed as may be specified from time to time.

(*4*) The Bureau may establish, maintain or recognise testing laboratories for the purposes of conformity assessment and quality assurance and for such other purposes as may be required for carrying out its functions.

Certification of Standard Mark of jewellers and sellers of certain specified goods or articles.

14. (*1*) The Central Government, after consulting the Bureau, may notify precious metal articles or other goods or articles as it may consider necessary, to be marked with a Hallmark or Standard Mark, as the case may be, in a manner as specified in sub-section (*2*).

(*2*) The goods or articles notified in sub-section (*1*) may be sold through retail outlets certified by the Bureau after such goods or articles have been assessed for conformity to the relevant standard by testing and marking centre, recognised by the Bureau and marked with Hallmark or Standard Mark, as the case may be, as specified by regulations.

(*3*) The Central Government may, after consulting the Bureau, by an order published in the Official Gazette, make it compulsory for the sellers of goods or article notified under sub-section (*1*) to be sold only through certified sales outlets fulfilling such conditions as may be determined by regulations.

(*4*) The Bureau may, by an order, grant, renew, suspend or cancel certification of Standard Mark or Hallmark of a jeweller or any other seller for sale of goods or articles notified under sub-section (*1*) in such manner as may be determined by regulations.

(*5*) The Bureau may establish, maintain and recognise testing and marking centres, including assaying and hallmarking centres, for conformity assessment and application of Standard Mark, including Hallmark, on goods or articles notified under sub-section (*1*), in a manner as may be specified by regulations.

(*6*) No testing and marking centre or assaying and hallmarking centre, other than the recognised by the Bureau, shall with respect to goods or articles notified under sub-section (*1*), use, affix, emboss, engrave, print or apply in any manner the Standard Mark, including the Hallmark, or colourable imitation thereof, on any goods or article; and make any claim in relation to the use and application of a Standard Mark, including the Hallmark, through advertisements, sales promotion leaflets, price lists or the like.

(*7*) Every recognised testing and marking centre, including assaying and hallmarking centre, shall use or apply Standard Mark on good or articles notified under sub-section (*1*), including Hallmark on precious metal articles, after accurately determining the conformity of the same in a manner as may be specified.

(*8*) No recognised testing and marking centre, including assaying and hallmarking centre, shall, notwithstanding that it has been recognised under sub-section (*5*), use or apply in relation to any goods or article notified under sub-section (*1*) a Standard Mark, including Hallmark, or any colourable imitation thereof, unless such goods or article conforms to the relevant standard.

Prohibition to import, sell, exhibit, etc.

15. (*1*) No person shall import, distribute, sell, store or exhibit for sale, any goods or article under sub-section (*1*) of section 14, except under certification from the Bureau.

(*2*) No person, other than that certified by the Bureau, shall sell or display or offer to sell goods or articles that are notified under sub-section (*3*) of section 14 and marked with the Standard Mark, including Hallmark and claim in relation to the Standard Mark, including Hallmark, through advertisements, sales promotion leaflets, price lists or the like.

(*3*) No certified jeweller or seller shall sell or display or offer to sell any notified goods or articles, notwithstanding that he has been granted certification, with the Standard Mark, including Hallmark, or any colourable imitation thereof, unless such goods or article is marked with a Standard Mark or Hallmark, in a manner as may be specified by regulations, and unless such goods or article conforms to the relevant standard.

Central Government to direct compulsory use of Standard Mark.

16. (*1*) If the Central Government is of the opinion that it is necessary or expedient so to do in the public interest or for the protection of human, animal or plant health, safety of the environment, or prevention of unfair trade practices, or national security, it may, after consulting the Bureau, by an order published in the Official Gazette, notify—

(*a*) goods or article of any scheduled industry, process, system or service; or

(*b*) essential requirements to which such goods, article, process, system or service,

which shall conform to a standard and direct the use of the Standard Mark under a licence or certificate of conformity as compulsory on such goods, article, process, system or service.

Explanation.—For the purpose of this sub-section,—

(*i*) the expression "scheduled industry" shall have the meaning assigned to it in the Industries (Development and Regulation) Act, 1951;

65 of 1951.

(*ii*) it is hereby clarified that essential requirements are requirements, expressed in terms of the parameters to be achieved or requirements of standard in technical terms that effectively ensure that any goods, article, process, system or service meet the objective of health, safety and environment.

(*2*) The Central Government may, by an order authorise Bureau or any other agency having necessary accreditation or recognition and valid approval to certify and enforce conformity to the relevant standard or prescribed essential requirements under sub-section (*1*).

Prohibition to manufacture, sell, etc., certain goods without Standard Mark.

17. (*1*) No person shall manufacture, import, distribute, sell, hire, lease, store or exhibit for sale any such goods, article, process, system or service under sub-section (*1*) of section 16—

(*a*) without a Standard Mark, except under a valid licence; or

(*b*) notwithstanding that he has been granted a license, apply a Standard Mark, unless such goods, article, process, system or service conforms to the relevant standard or prescribed essential requirements.

(*2*) No person shall make a public claim, through advertisements, sales promotion leaflets, price lists or the like, that his goods, article, process, system or service conforms to an Indian standard or make such a declaration on the goods or article, without having a valid certificate of conformity or licence from the Bureau or any other authority approved by the Central Government under sub-section (*2*) of section 16.

(*3*) No person shall use or apply or purport to use or apply in any manner, in the manufacture, distribution, sale, hire, lease or exhibit or offer for sale of any goods, article, process, system or service, or in the title of any patent or in any trade mark or design, a Standard Mark or any colourable imitation thereof, except under a valid licence from the Bureau.

Obligations of licence holder, seller, etc.

18. (*1*) The licence holder shall, at all times, remain responsible for conformance of the goods, articles, processes, systems or services carrying the Standard Mark.

(*2*) It shall be the responsibility of the distributor or the seller, as the case may be, to ensure that goods, articles, processes, systems or services carrying the Standard Mark are purchased from certified body or licence holder.

(*3*) It shall be the responsibility of the seller before the goods or article is sold or offered to be sold or exhibited or offered for sale to ensure that—

(*a*) goods, articles, processes, systems or services carrying the Standard Mark bear the requisite labels and marking details, as specified by the Bureau from time to time;

(*b*) the marking and labelling requirements on the product or covering is displayed in a manner that has been specified by the Bureau.

(*4*) Every certified body or licence holder shall supply to the Bureau with such information and with such samples of any material or substance used in relation to any goods, article, process, system or service, as the case may be, as the Bureau may require for monitoring its quality and for the recovery of the fee as may be prescribed in the certificate of conformity or the licence.

(*5*) (*a*) The Bureau may make such inspection and take such samples of any material or substance as may be necessary to see whether any goods, article, process, system or service, in relation to which a Standard Mark has been used, conforms to the requirements of the relevant standard or whether the Standard Mark has been properly used in relation to any goods, article, process, system or service with or without a licence.

(*b*) The Bureau may publicise the results of its findings and the directions given in pursuance thereof.

(*6*) If the Bureau is satisfied under the provisions of sub-sections (*4*) and (*5*) that the goods, articles, processes, systems or services in relation to which a Standard Mark has been used do not conform to the requirements of the relevant standard, the Bureau may direct the certified body or licence holder or his representative to stop the supply and sale of non-conforming goods or articles and recall the non-conforming goods or articles that have already been supplied or offered for sale and bear such mark from the market or any such place from where they are likely to be offered for sale or prohibit to provide the service.

(*7*) Where a certified body or licence holder or his representative has sold goods, articles, processes, system or services, which bear a Standard Mark or any colourable imitation thereof, which do not conform to the relevant standard, the Bureau shall direct the certified body or licence holder or his representative to—

(*a*) repair or replace or reprocess the standard marked goods, article, process, system or service in a manner as may be specified; or

(*b*) pay compensation to the consumer as may be prescribed by the Bureau; or

(*c*) be liable for the injury caused by non-conforming goods or article, which bears a Standard Mark, as per the provisions of section 31.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

Financial Management of Bureau of Indian Standards.

19. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Bureau grants and loans of such sums of money as the Government may consider necessary.

Fund of Bureau.

20. (*1*) There shall be constituted a fund to be called the Bureau of Indian Standards fund and there shall be credited thereto—

(*a*) any grants and loans made to the Bureau by the Central Government;

(*b*) all fees and charges received by the Bureau under this Act;

(*c*) all fines received by the Bureau;

(*d*) all sums received by the Bureau from such other sources as may be decided upon by the Central Government.

(*2*) The fund shall be applied for meeting—

(*a*) the salary, allowances and other remuneration of the members, Director General, officers and other employees of the Bureau;

(*b*) expenses of the Bureau in the discharge of its functions under the Act; and

(*c*) expenses on objects and for purposes authorised by this Act:

Provided that the fines received in clause (*c*) of sub-section (*1*) shall be used for consumer awareness, consumer protection and promotion of quality of goods, articles, processes, system or services in the country.

Borrowing powers of Bureau.

21. (*1*) The Bureau may, with the consent of the Central Government or in accordance with the terms of any general or special authority given to it by the Central Government, borrow money from any source as it may deem fit for discharging all or any of its functions under this Act.

(*2*) The Central Government may guarantee in such manner as it thinks fit, the repayment of the principal and the payment of interest thereon with respect to the loans borrowed by Bureau under sub-section (*1*).

Budget.

22. The Bureau shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Bureau and forward the same to the Central Government.

Annual report.

23. (*1*) The Bureau shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

(*2*) The Central Government shall cause the annual report to be laid, as soon as may be after it is received, before each House of Parliament.

Accounts and audit.

24. (*1*) The Bureau shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the Bureau shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Bureau to the Comptroller and Auditor-General of India.

(*3*) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Bureau shall have the same rights and

privileges and the authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any office of the Bureau.

(*4*) The accounts of the Bureau as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

CHAPTER V

MISCELLANEOUS

Power of Central Government to issue directions.

25. (*1*) Without prejudice to the foregoing provisions of this Act, the Bureau shall, in the exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Bureau shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(*2*) The decision of the Central Government whether a question is one of policy or not shall be final.

(*3*) The Central Government may take such other action as may be necessary for the promotion, monitoring and management of quality of goods, articles, processes, systems and services and to protect the interests of consumers and various other stakeholders and notify any other goods, articles, processes, systems and services for the purpose of sub-section (*1*) of section 16.

Restriction on use of name of Bureau and Indian Standard.

26. (*1*) No person shall, with a view to deceive or likely to deceive the public, use without the previous permission of the Bureau,—

(*a*) any name which so nearly resembles the name of the Bureau as to deceive or likely to deceive the public or the name which contains the expression "Indian Standard" or any abbreviation thereof; or

(*b*) any title of any patent or mark or trade mark or design, in relation to any goods, article, process, system or service, containing the expressions "Indian Standard" or "Indian Standard Specification" or any abbreviation of such expressions.

(*2*) Notwithstanding anything contained in any law for the time being in force, no registering authority shall—

(*a*) register any company, firm or other body of persons which bears any name or mark; or

(*b*) register a trade mark or design which bears any name or mark; or

(*c*) grant a patent, in respect of an invention, which bears a title containing any name or mark,

if the use of such name or mark is in contravention of sub-section (*1*).

(*3*) If any question arises before a registering authority whether the use of any name or mark is in contravention of sub-section (*1*), the registering authority may refer the question to the Central Government whose decision thereon shall be final.

Appointment and powers of certification officers.

27. (*1*) The Bureau may appoint as many certification officers as may be necessary for the purpose of inspection whether any goods, article, process, system or service in relation to which the Standard Mark has been used conforms to the relevant standard or whether the Standard Mark has been properly used in relation to any goods, article, process, system or service with or without licence, and for performing such other functions as may be assigned to them.

(*2*) Subject to any rules made under this Act, a certification officer shall have power to—

(*a*) inspect any operation carried on in connection with any goods, article, process, system or service in relation to which the Standard Mark has been used; and

(*b*) take samples of any goods or article or of any material or substance used in any goods, article, process, system or service, in relation to which the Standard Mark has been used.

(*3*) Every certification officer shall be furnished by the Bureau with a certificate of appointment as a certification officer, and the certificate shall, on demand, be produced by the certification officer.

(*4*) Every certified body or licence holder shall—

(*a*) provide reasonable facilities to certification officer to enable him to discharge the duties imposed on him;

(*b*) inform certification officer or the Bureau of any change in the conditions which were declared or verified by the certification officer or the Bureau at the time of grant of certificate of conformity or licence.

(*5*) Any information obtained by a certification officer or the Bureau from any statement made or information supplied or any evidence given or from inspection made under the provisions of this Act shall be treated as confidential:

Provided that nothing shall apply to the disclosure of any information for the purpose of prosecution and protection of interest of consumers.

Power to search and seizure.

28. (*1*) If the certification officer has reason to believe that any goods or articles, process, system or service in relation to which the contravention of section 11 or sub-sections (*6*) or (*8*) of section 14 or section 15 or section 17 has taken place are secreted in any place, premises or vehicle, he may enter into and search such place, premises or vehicle for such goods or articles, process, system or service, as the case may be.

(*2*) Where, as a result of any search made under sub-section (*1*), any goods or article, process, system or service has been found in relation to which contravention of section 11 or sub-sections (*6*) or (*8*) of section 14 or section 15 or section 17 has taken place, the certification officer may seize such goods or article and other material and documents which, in his opinion will be useful for, or relevant to any proceeding under this Act:

Provided that where it is not practicable to seize any such goods or article or material or document, the certification officer may serve on the owner an order that he shall not remove, part with, or otherwise deal with, the goods or article or material or document except with the previous permission of the certification officer.

2 of 1974.

(*3*) The provision of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this section.

Penalty for contravention.

29. (*1*) Any person who contravenes the provisions of section 11 or sub-section (*1*) of section 26 shall be punishable with fine which may extend to five lakh rupees.

(*2*) Any person who contravenes the provisions of sub-sections (*6*) or (*8*) of section 14 or section 15 shall be punishable with imprisonment for a term which may extend to one year or with fine which shall not be less than one lakh rupees, but may extend up to five times the value of goods or articles produced or sold or offered to be sold or affixed or applied with a Standard Mark including Hallmark, or with both:

Provided that where the value of goods or articles produced or sold or offered to be sold cannot be determined, it shall be presumed that one year's production was in such contravention and the annual turnover in the previous financial year shall be taken as the value of goods or articles for such contravention.

(3) Any person who contravenes the provisions of section 17 shall be punishable with imprisonment for a term which may extend up to two years or with fine which shall not be less than two lakh rupees for the first contravention and not be less than five lakh rupees for the second and subsequent contraventions, but may extend up to ten times the value of goods or articles produced or sold or offered to be sold or affixed or applied with a Standard Mark, including Hallmark, or with both:

Provided that where the value of goods or articles produced or sold or offered to be sold cannot be determined, it shall be presumed that one year's production was in such contravention and the annual turnover in the previous financial year shall be taken as the value of goods or articles for such contravention.

(4) The offence under sub-section (3) shall be cognizable.

Offences by companies.

30. Where an offence under this Act has been committed by a company, every director, manager, secretary or other officer of the company who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, or authorised representative of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly, irrespective of the fact that the offence has been committed with or without the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, or authorised representative of the company.

Explanation.—For the purposes of this section,—

(*a*) "company" means a body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

Compensation for non-conforming goods.

31. Where a holder of licence or certificate of conformity or his representative has sold any goods, article, process, system or service, which bears a Standard Mark not conforming to the relevant standard, or with colourable imitation, the certified body or licence holder or his representative shall be liable to compensate the consumer for the injury caused by such non-conforming goods, article, process, system or service in such manner as may be prescribed.

Cognizance of offence by courts.

32. (*1*) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class, specially empowered in this behalf, shall try any offence punishable under this Act.

(*2*) No court shall take cognizance of any offence punishable under this Act save on a complaint made by—

(*a*) or under the authority of the Bureau; or

(*b*) any police officer, not below the rank of deputy superintendent of police or equivalent; or

(*c*) any authority notified under sub-section (*2*) of section 16; or

(*d*) any officer empowered under the authority of the Government; or

(*e*) any consumer; or

(*f*) any association.

(*3*) Any police officer not below the rank of deputy superintendent of police or equivalent, may, if he is satisfied that any of the offences referred to in sub-section (*3*) of section 29 has been, is being, or is likely to be, committed, search and seize without warrant, the goods, die, block, machine, plate, other instruments or things involved in committing the offence, wherever found, and all the articles so seized shall, as soon as practicable, be produced before a Magistrate as prescribed under sub-section (*1*).

(*4*) The court may direct that any property in respect of which the contravention has taken place shall be forfeited to the Bureau.

(*5*) The court may direct that any fine, in whole or any part thereof, payable under the provisions of this Act, shall be payable to the Bureau.

2 of 1974.

Compounding of offence.

33. (*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence committed for the first time, punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution, be compounded by an officer so authorised by the Director General, in such manner as may be prescribed:

Provided that the sum so specified shall not in any case exceed the maximum amount of the fine which may be imposed under section 29 for the offence so compounded; and any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded shall be deemed to be an offence committed for the first time.

(*2*) Every officer referred to in sub-section (*1*) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Bureau.

(*3*) Every application for the compounding of an offence shall be made in such manner as may be prescribed.

(*4*) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence against the offender in relation to whom the offence is so compounded.

(*5*) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought to the notice of the court in which the prosecution is pending in writing by the officer referred to in sub-section (*1*), and on such notice of the composition of the offence being given and its acceptance by the court, the person against whom the offence is so compounded shall be discharged.

Appeal.

34. (*1*) Any person aggrieved by an order made under section 13 or sub-section (*4*) of section 14 or section 17 of this Act may prefer an appeal to Director General of the Bureau within such period as prescribed.

(*2*) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the Director General that he had sufficient cause for not preferring the appeal within the prescribed period.

(*3*) Every appeal made under this section shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed.

(*4*) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the appellant shall be given a reasonable opportunity of being heard.

(*5*) The Director General may *suo motu* or on an application made in the manner prescribed review the order passed by any officer to whom the power has been delegated by him.

(*6*) Any person aggrieved by an order made under sub-section (*1*) or sub-section (*5*) may prefer an appeal to the Central Government having administrative control of the Bureau within such period as may be prescribed.

Members, officers and employees of Bureau to be public servants.

35. All members, officers and other employees of the Bureau shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of action taken in good faith.

36. No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government or any member, officer or other employee of the Bureau for anything which is in done or intended to be done in good faith under this Act or the rules or regulations made thereunder.

Authentication of orders and other instruments of Bureau.

37. All orders and decisions of, and all other instruments issued by, the Bureau shall be authenticated by the signature of such officer or officers as may be authorised by the Bureau in this behalf.

Power to make rules.

38. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make regulations.

39. The Executive Committee may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules to carry out the purposes of this Act.

Rules and regulations to be laid before Parliament.

40. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Act not to affect operation of certain Acts.

41. Nothing in this Act shall affect the operation of the Agricultural Produce (Grading and Marking) Act, 1937 or the Drugs and Cosmetics Act, 1940, or any other law for the time being in force, which deals with any standardisation or quality control of any goods, article, process, system or service.

1 of 1937.
23 of 1940.

Power to remove difficulties.

42. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and savings.

43. (*1*) The Bureau of Indian Standards Act, 1986 is hereby repealed.

63 of 1986.

(*2*) Notwithstanding such repeal, anything done or any action taken or purported to have done or taken including any rule, regulation, notification, scheme, specification, Indian Standard, Standard Mark, inspection order or notice made, issued or adopted, or any appointment, or declaration made or any licence, permission, authorisation or exemption granted or any document or instrument executed or direction given or any proceedings taken or any penalty or fine imposed under the Act hereby repealed shall, insofar as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

(*3*) The mention of particular matters in sub-section (*2*) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.

10 of 1897.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2016.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 356-B] रायपुर, सोमवार, दिनांक 19 सितम्बर 2016—— भाद्रपद 28, शक 1938

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 19 सितम्बर 2016

क्रमांक 8839/डी. 220/21-अ/प्रा./छ.ग./16.— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक F. No. 1 (10)/ 2016-L.I, F. No. 1 (49)/2014-L.I, F. No. 1 (80)/2009-L.I, F. No. 1 (49)/2007-L.I एवं F. No. 1 (93)/2014-L.I, नई दिल्ली, दिनांक 27-07 -2016 के अनुसरण में दि कैरिज बाइ एयर (अमेंडमेंट)एक्ट, 2016 (क्र. 12 सन् 2016) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
यू. के. काटिया, अतिरिक्त सचिव.

THE CARRIAGE BY AIR (AMENDMENT) ACT, 2016

AN
ACT
further to amend the Carriage by Air Act, 1972.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Carriage by Air (Amendment) Act, 2016.

69 of 1972.

Amendment of section 4A.

2. In the Carriage by Air Act, 1972 (hereinafter referred to as the principal Act), in section 4A, after sub-section (*5*), the following sub-section shall be inserted, namely:—

"(*6*) The Central Government may, having regard to the objects of the Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, give effect to the limits of liability, revised by the depository under rule 24 of Chapter III of the Third Schedule to this Act, for the purposes of determining the liabilities of the carriers and extent of compensation for damages under the said Chapter of that Schedule.".

Insertion of new section 8A.

3. After section 8 of the principal Act, the following section shall be inserted, namely:—

Power to make rules

"8A. *(1)* The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made and every notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or the notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.".

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2016.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 356-C] रायपुर, सोमवार, दिनांक 19 सितम्बर 2016— भाद्रपद 28, शक 1938

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 19 सितम्बर 2016

क्रमांक 8839/डी. 220/21-अ/प्रा./छ.ग./16.— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक F. No. 1 (10)/2016-L.I, F. No. 1 (49)/2014-L.I, F. No. 1 (80)/2009-L.I, F. No. 1 (49)/2007-L.I एवं F. No. 1 (93)/2014-L.I, नई दिल्ली, दिनांक 27-07 -2016 के अनुसरण में दि हाईकोर्ट एण्ड दि सुप्रीम कोर्ट जजेस (सैलेरिज एण्ड कंडीशंस ऑफ सर्विस) अमेंडमेंट एक्ट, 2016 (क्र. 13 सन् 2016) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
यू. के. काटिया, अतिरिक्त सचिव.

THE HIGH COURT AND THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT ACT, 2016

AN
ACT

further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 *and the Supreme Court Judges (Salaries and Conditions of Service) Act,* 1958.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

Short title and commencement

1. (*1*) This Act may be called the High Court and the Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2016.

(*2*) The provisions of section 8 shall be deemed to have come into force on the 1st day of April, 2004 and the remaining provisions shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENT OF THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954

Amendment of section 2.

2. In the High Court Judges (Salaries and Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), in section 2,— 28 of 1954.

(*a*) in sub-section (*1*),—

(*i*) in clause (*b*), the words, brackets and figures "under sub-section (*2*) of section 222 of the Government of India Act, 1935 or" shall be omitted;

(*ii*) in clause (*d*), the words, brackets and figures "under sub-section (*3*) of section 222 of the Government of India Act, 1935 or" shall be omitted;

(*iii*) clause (*e*) shall be omitted;

(*b*) in sub-section (*2*), for the words "previous service for any period or periods as acting Judge or additional Judge or as a Judge of a former Indian High Court", the words "service for any period or periods as acting Judge or additional Judge" shall be substituted;

(*c*) sub-sections (*3*) and (*4*) shall be omitted.

Amendment of section 3.

3. In the High Court Judges Act, in section 3, after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) For the purposes of this Chapter, casual leave may be admissible to a Judge in a calendar year, for such number of days and subject to such conditions as may be prescribed.".

Amendment of section 4A.

4. In the High Court Judges Act, in section 4A, for the words "in respect of the period of earned leave at his credit", the words "in respect of the period of leave at his credit, calculated on full allowances basis," shall be substituted.

Substitution of new section for section 9.

5. In the High Court Judges Act, for section 9, the following section shall be substituted, namely:—

Leave allowances.

"9. The monthly rate of leave salary payable to a Judge shall be in accordance with the provisions of sub-section (*1*) of section 3.".

Omission of section 10.

6. In the High Court Judges Act, section 10 shall be omitted.

Amendment of section 14.

7. In the High Court Judges Act, in section 14, in the first proviso,—

(*i*) for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) he has attained the age of sixty-two years; or";

(*ii*) for the *Explanation*, the following shall be substituted, namely:—

'*Explanation.*—In this section "Judge" means a Judge who has not held any other pensionable post under the Union or a State and includes a Judge who having held any other pensionable post under the Union or a State has elected to receive the pension payable under Part I of the First Schedule.'.

Insertion of new section 14A.

8. In the High Court Judges Act, after section 14, the following section shall be inserted, namely:—

Benefit of added years of service.

"14A. Subject to the provisions of this Act, a period of ten years shall be added and shall be deemed to have been added from the 1st day of April, 2004 for the purposes of pension, to the service of a Judge who is appointed as such Judge under sub-clause (*b*) of clause (2) of article 217 of the Constitution.".

Amendment of section 15.

9. In the High Court Judges Act, in section 15,—

(*a*) in sub-section (*1*),—

(*i*) clause (*a*) shall be omitted;

(*ii*) in clause (*b*), the words "is not a member of the Indian Civil Service but" shall be omitted;

(*iii*) in the proviso for the words and figures, "as the case may be, Part II or" shall be omitted;

(*b*) in sub-section (*2*), the words and figures "Part II or, as the case may be" shall be omitted.

Amendment of section 16.

10. In the High Court Judges Act, in section 16, in the proviso, the words and figures "Part II or" shall be omitted.

Amendment of section 17A.

11. In the High Court Judges Act, in section 17A,—

(*a*) in sub-section (*1*), in the *Explanation*, in clause (*ii*), the words and figures "Part II or " shall be omitted;

(*b*) in sub-section (*2*), the words and figures "Part II or " shall be omitted.

Omission of section 18.

12. In the High Court Judges Act, section 18 shall be omitted.

Amendment of section 20.

13. In the High Court Judges Act, in section 20,—

(*a*) in the first proviso, the words "is a member of the Indian Civil Service or" shall be omitted;

(*b*) the second proviso, shall be omitted.

Omission of section 23B.

14. In the High Court Judges Act, section 23B shall be omitted.

Amendment of section 24.

15. In the High Court Judges Act, in section 24, in sub-section (*2*), after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) the number of casual leaves and the conditions subject to which it may be allowed under sub-section (*3*) of section 3;".

Omission of section 25.

16. In the High Court Judges Act, section 25 shall be omitted.

Amendment to First Schedule.

17. In the High Court Judges Act, in the First Schedule,—

(*a*) in Part I,—

(*i*) for paragraph 1, the following paragraph shall be substituted, namely:—

"1. The provisions of this Part apply to a Judge who has not held any other pensionable post under the Union or a State or a Judge who having held any other pensionable post under the Union or a State has elected to receive the pension payable under this Part.";

(*ii*) in paragraph 2, for the words "and who has completed not less than seven years of service" shall be omitted;

(*iii*) paragraphs 8 and 9 shall be omitted.

(*b*) Part II shall be omitted.

CHAPTER III

AMENDMENT OF THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1958

41 of 1958.

Amendment of section 2.

18. In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (hereinafter referred to as the Supreme Court Judges Act), in section 2, in clause (*g*), for the words "either in the Federal Court or in the Supreme Court or in any such Court", the words "in the Supreme Court" shall be substituted.

Amendment of section 3.

19. In the Supreme Court Judges Act, in section 3, after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) For the purposes of this Chapter, casual leave may be admissible to a Judge in a calendar year, for such number of days and subject to such conditions as may be prescribed.".

Amendment of section 4A.

20. In the Supreme Court Judges Act, in section 4A, for the words "in respect of the period of earned leave at his credit", the words "in respect of the period of leave at his credit, calculated on full allowances basis," shall be substituted.

Substitution of new section for section 9.

21. In the Supreme Court Judges Act, for section 9, the following section shall be substituted, namely:—

Leave allowances.

"9. The monthly rate of leave salary payable to a Judge shall be in accordance with the provisions of sub-section (*1*) of section 3.".

Amendment of section 13.

22. In the Supreme Court Judges Act, in section 13, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

'*Explanation.*—In this section, "Judge" means a Judge who has not held any other pensionable post under the Union or a State and includes a person who was in service as a Judge on the 20th May, 1954, and also includes a Judge having held any other pensionable post under the Union or a State, who has elected to receive the pension payable under Part I of the Schedule.'.

Amendment of section 14.

23. In the Supreme Court Judges Act, in section 14,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Every Judge who has held any other pensionable post under the Union or a State shall, on his retirement, be paid a pension in accordance with the provisions of Part III of the Schedule:

Provided that every such Judge shall elect to receive the pension payable to him either under Part I of the Schedule, or as the case may be, Part III of the Schedule, and the pension payable to him shall be calculated accordingly.";

(*b*) in sub-section (*2*), the words and figures "Part II or, as the case may be," shall be omitted.

Amendment of section 16A.

24. In the Supreme Court Judges Act, in section 16A, in sub-section (*1*), the *Explanation*, in clause (*ii*), the words and figures "Part II or" shall be omitted.

Omission of section 18.

25. In the Supreme Court Judges Act, section 18 shall be omitted.

Amendment of section 20.

26. In the Supreme Court Judges Act, in section 20, in the first proviso, the words "is a member of the Indian Civil Service or" shall be omitted.

Amendment of section 24.

27. In the Supreme Court Judges Act, in section 24, in sub-section (*2*), after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) the number of casual leaves and the conditions subject to which it may be allowed under sub-section (*3*) of section 3.".

Amendment of Schedule.

28. In the Supreme Court Judges Act, in the Schedule,—

(*a*) in Part I, for paragraph 1, the following paragraph shall be substituted, namely:—

"1. The provisions of this Part apply to a Judge who has not held any other pensionable post under the Union or a State and also apply to a person who was in service as a Judge on the 20th May, 1954, and to a Judge who, having held any other pensionable posts under the Union or a State, has elected to receive the pension payable under this Part.";

(*b*) Part II shall be omitted.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2016.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 356-D] रायपुर, सोमवार, दिनांक 19 सितम्बर 2016—भाद्रपद 28, शक 1938

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 19 सितम्बर 2016

क्रमांक 8839/डी. 220/21-अ/प्रा./छ.ग./16.— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक F. No. 1 (10)/2016-L.I, F. No. 1 (49)/2014-L.I, F. No. 1 (80)/2009-L.I, F. No. 1 (49)/2007-L.I एवं F. No. 1 (93)/2014-L.I, नई दिल्ली, दिनांक 27-07-2016 के अनुसरण में दि एप्रोप्रिएशन (रेल्वेज) वोट ऑन अकाउंट एक्ट, 2016 (क्र. 14 सन् 2016) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
यू. के. काटिया, अतिरिक्त सचिव.

THE APROPRIATION (RAILWAYS) VOTE ON ACCOUNT ACT, 2016

AN
ACT

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2016-17 *for the purposes of Railways.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Appropriation (Railways) Vote on Account Act, 2016.

Withdrawal of Rs.81114,72,51,000 from and out of the Consolidated Fund of India for the financial year 2016-17.

2. From and out of the Consolidated Fund of India, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eighty-one thousand one hundred fourteen crore, seventy-two lakh and fifty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2016-17, in respect of the services and purposes relating to Railways specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes stated in column 2 of the Schedule in relation to the said financial year.

THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board	66,66,83,000	..	66,66,83,000
2	Miscellaneous Expenditure (General)	216,31,50,000	*35,17,000*	216,66,67,000
3	General Superintendence and Services on Railways	1393,42,11,000	*21,93,000*	1393,64,04,000
4	Repairs and Maintenance of Permanent Way and Works	2285,11,31,000	*25,01,000*	2285,36,32,000
5	Repairs and Maintenance of Motive Power	1052,93,27,000	*3,33,000*	1052,96,60,000
6	Repairs and Maintenance of Carriages and Wagons	2385,22,05,000	*3,33,000*	2385,25,38,000
7	Repairs and Maintenance of Plant and Equipment	1351,98,45,000	*8,33,000*	1352,06,78,000
8	Operating Expenses – Rolling Stock and Equipment	2125,27,14,000	*8,33,000*	2125,35,47,000
9	Operating Expenses – Traffic	7385,63,44,000	*33,34,000*	7385,96,78,000
10	Operating Expenses – Fuel	3902,87,21,000	*17,000*	3902,87,38,000
11	Staff Welfare and Amenities	1103,67,45,000	*9,18,000*	1103,76,63,000
12	Miscellaneous Working Expenses	1136,43,37,000	*23,19,95,000*	1159,63,32,000
13	Provident Fund, Pension and Other Retirement Benefits	7861,62,58,000	*16,74,000*	7861,79,32,000
14	Appropriation to Funds	9046,55,83,000	..	9046,55,83,000
15	Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortisation of Over-Capitalisation	1621,88,17,000	..	1621,88,17,000
16	Assets—Acquisition, Construction and Replacement—			
	Other Expenditure			
	Capital	31069,06,82,000	*8,19,50,000*	31077,26,32,000
	Railway Funds	5278,11,00,000	*2,18,00,000*	5280,29,00,000
	Railway Safety Fund	1796,71,67,000	..	1796,71,67,000
	TOTAL	81079,50,20,000	*35,22,31,000*	81114,72,51,000

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2016.